



Peter O'Donovan Gibson
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application Number 09/543,764
Filed 5 April 2000
John L. Howes

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OFFICE OF PETITIONS

11 July 2003

Dear Sir/Madam,

Following please find the below described materials related to the above identified application for U.S. Utility Patent:

1. 'Petition to the Commissioner Requesting Invocation of Supervisory Authority'
on: 9 sheets;
2. Copy of the note given to Technology Center 3600 Reception for use in informing Peter Gibson upon arrival the Examiner with whom an interview had been scheduled would be unable to attend the same, certificate of mailing, and this letter of transmittal
on: 3 sheets; 12 sheets total.

Please file the above described materials following in the above identified application for U.S. Utility Patent.

Thank you kindly for your service.

Respectfully yours,

Peter O'Donovan Gibson, Reg. #34,605

Peter O'Donovan Gibson, Reg. #34,605
Telephone: 410/358-5912
Facsimile: 410/358-9636

D/A
#15 Letter
Pat.
PW
7-23-03



CERTIFICATE OF MAILING

Re: Application Number 09/543,764
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on: 3 sheets; 12 sheets total.

I, Peter Gibson, Registration Number 34,605, do hereby certify with my dated signature below that the above described materials are being deposited with the United States Postal Service in an envelope addressed to: 'Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 today, July 11th 2003, bearing sufficient postage for First Class Mail.

Peter Gibson, Reg. #34,605

Peter Gibson, Reg. #34,605

July 11th 2003

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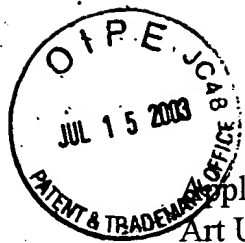
Jim Zurita has an interview scheduled for either 11:00 or 11:30 am. Jim will be unable to attend. Please contact Jeff Smith or Wynn Coggins (ART UNIT 3625) when the interview arrives. One of us will come down to meet him.

Thanks

Jeff Smith

AU 3625

308-3588



Application No. 09/543,764
Art Unit: 3625

Filed: April 5th 2000 & 'Made Special'
Examiners: Zurita, Smith, & Coggins

PETITION TO COMMISSIONER

Under 37 CFR § 1.181(c) From Failure of Office to Provide a 3rd
Office Action Over Seven Months from Filing of Response to the 2nd

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JUL 16 2003

REQUESTING INVOCATION OF SUPERVISORY AUTHORITY OFFICE OF PETITIONS

1. Applicant and humble Petitioner respectfully begs for mercy in the form of a genuine and just consideration of a second petition to Commissioner requesting invocation of supervisory authority in the above identified Application for United States Utility Patent.

2. Petitioner respectfully requests invocation of supervisory authority for a second time in the present application for patent, the first having been denied, because the Office has failed to provide a third Office action in over seven months from the date of filing Response to the Second Office Action on 3 December 2002.

3. Petitioner respectfully notes that the present application for patent was granted special status under MPEP 708.02 VIII.

4. Petitioner respectfully notes that Examiner James Zurita is and has been officially responsible for examination of the present application for patent, that Supervisory Examiner Wynn Coggins signed the first Office action and that Primary Examiner Jeffrey Smith signed the second Office action both in supervisory capacity.

5. Petitioner respectfully notes that Response to the Second Office Action was filed by hand delivery with a first Petition to Commissioner seeking invocation of supervisory authority.

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Application No. 09/543,764
Art Unit: 3625

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REQUESTING INVOCATION OF SUPERVISORY AUTHORITY OFFICE OF PETITIONS

1 6. Petitioner respectfully notes that Examiner James Zurita is also officially responsible
2 for another Application for U.S. Utility Patent by another inventor having the same, present,
3 representative that also has been granted special status and was also filed over three years
4 ago: Application No. 09/864,240.

5
6 7. Petitioner respectfully submits that Application No. 09/864,240 has received a fourth,
7 non-final, Office action and that on 22 May 2003 an interview requested of Examiner Zurita
8 was held in his absence conducted by Supervisory Examiner Wynn Coggins with Primary
9 Examiner Jeffrey Smith taking the place of Examiner Zurita, despite the fact that Supervisory
10 Examiner Wynn Coggins had signed all four Office actions in examination of this application
11 for patent.

12
13 8. Petitioner respectfully notes that a third senior and distinguished Examiner, believed
14 to be a Primary Examiner or higher, whose name was not distinctly given to the present
15 representative, was also present at this interview on 22 May of the present year of our Lord
16 2003 and that this gentleman demonstrated excellent knowledge obviously superior to
17 anyone else in the room of the Internet, the subject matter common to both applications
18 referenced herein as being officially examined by Examiner James Zurita, and that when this
19 Examiner understood the invention concerned he clearly was of the opinion that the
20 invention was novel, very useful, and deserved a patent.

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1 9. Petitioner respectfully submits that the above said gentleman believed to be a Primary
2 Examiner or better present in said interview was patently horrified by Supervisory Examiner
3 Wynn Coggins' refusal to:

- 4 a. recognize the content of four different affidavits read during the interview by
5 the present representative;
6 b. agree that these affidavits constituted objective evidence overcoming grounds
7 of obviousness;
8 c. acknowledge that an affidavit, when properly filed, constitutes a fact;
9 d. acknowledge a duty to the inventor whose sole source of income in retirement
10 other than Social Security is derived from the business in which, said inventor
11 attested in an affidavit, he has invested all his financial resources and is
12 dependent upon issuance of a patent for the invention concerned in order to
13 prevent a corporation from stealing the same;
14 e. look at any of the affidavits or material supporting the allegation made in d.
15 immediately above;
16 f. acknowledge the web site address of either the inventor's business,
17 ADpixx.com, or the competitor attempting now to steal his business,
18 ipixx.com;

19 and was further horrified, along with Primary Examiner Jeffrey Smith, to learn that the
20 'finality' of rejection had been withdrawn without withdrawal of the rejection in the previous

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1 Office action and that all rejections, including one made in the first Office action and
2 repeated in the fourth Office action, were still operative.
3

4 10. Petitioner respectfully requests identification of said distinguished senior Examiner
5 present during the interview identified above and verification of the material immediately
6 above in paragraph 9 by the same gentleman in substantiation thereof.
7

8 11. Petitioner respectfully notes that said distinguished senior Examiner evidently was
9 summoned by Supervisory Examiner Wynn Coggins to be present at said interview after a
10 telephonic conversation held between the present representative and Examiner Zurita on
11 Monday, 19 May at approximately 10:30 ante meridian in consequence to the present
12 representative revealing that he was comfortable with a 'technical expert', i.e. Examiner
13 Robert Weinhardt, being present at the interview scheduled for that Thursday.
14

15 12. Petitioner respectfully submits that the present representative called Examiner Zurita
16 on Monday, 19 May at approximately 10:30 ante meridian to confirm his receipt of a
17 facsimile transmission of an Agenda for said interview at approximately 7 ante meridian that
18 day, that Examiner Zurita replied in the negative and then asked which facsimile number had
19 been utilized for the transmission and, after being told by the present representative that the
20 number utilized was that given in the last Office action, instructed the present representative

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1 to use his private facsimile number and provided the same after which the present
2 representative requested confirmation of the time of said interview as being set for 11 a.m.
3 and Examiner Zurita told the present representative that no, it was for 11:30 that day, as this
4 was the earliest time that the other two Examiners could arrange to be present and that
5 Examiner Zurita asked the present representative if a response had been filed in the present
6 application for patent, Application No. 09/543,764, not the application for which said
7 interview was scheduled, and that the present representative replied: "I thought the ball was
8 in your court" to which reply Examiner Zurita indicated belief to the contrary and further
9 indicated that 'yesterday' was the last day for response and further confirmed the application
10 concerned having had a petition to invoke supervisory authority filed and, with apparent
11 satisfaction, denied which identification the present representative confirmed.

12
13 13. Petitioner respectfully submits that the present representative and sole author of the
14 present petition, immediately after terminating the above described telephonic conversation
15 between himself and Examiner Zurita, retrieved the relevant file and found a copy of the
16 Response filed to the pertinent Office action, called Examiner Zurita back promptly,
17 informed him of the filing and after a distinct silence Examiner Zurita requested facsimile
18 transmission of the same whereupon the present representative demurred citing the length
19 of the Response concerned as being twenty-seven pages and proposed that a copy of this
20 Response be delivered to him at the interview scheduled three days hence instead.

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1 14. Petitioner respectfully notes, again, that Examiner Jeffrey Smith signed the Office
2 action to which Response had been filed with a first petition to invoke supervisory authority.
3

4 15. Petitioner respectfully submits that Examiner Jeffrey Smith voluntarily used his voice
5 but once during the interview discussed herein, to ask, when the present representative was
6 informed by Supervisory Wynn Coggins that Examiner Zurita was unable to attend said
7 interview and said representative responded with sympathy for Examiner Zurita and pulled
8 a Manilla folder out of his briefcase and handed it to Supervisory Examiner Wynn Coggins
9 asking her if she would give the same to Examiner Zurita, as he had been promised the same:
10 Examiner Jeffrey Smith then enquired what the Manila folder contained.
11

12 16. Petitioner respectfully submits that Primary Examiner Jeffrey Smith was informed by
13 the present representative of the contents of the Manilla folder mentioned directly above in
14 paragraph 15, immediately paled, and said nothing of any consequence whatsoever for the
15 remainder of the interview.
16

17 17. Petitioner respectfully submits that Primary Examiner Jeffrey Smith obviously
18 understood that he had been 'set up' by Supervisory Examiner Wynn Coggins, his superior
19 in the U.S. Patent Office, and that both he and the distinguished senior Examiner exchanged
20 glances with each other throughout the interview in astonishment at:

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- a. the tenacity of the present representative in establishing the obvious patentability of the invention concerned over the prior art;
- b. the steadfast refusal of Supervisory Wynn Coggins to admit to any point whatsoever attempted to be established by the present representative;
- c. at least three demonstrations by Supervisory Wynn Coggins attesting to her:
 - i. belief that Patent regulations and statute were irrelevant in the present case;
 - ii. ignorance of the subject matter involved;
 - iii. ignorance upon the number and content of the rejections conveyed in the last Office action on which she signed off; and
- d. Examiner Wynn Coggins' persistent strategy to encourage the present representative to amend the sole claim concerned in the hope of resolving language issues to which the present representative finally told Examiner Wynn Coggins that the language issues could be resolved by an Examiner's amendment in Allowance with substitution of two words for two other words used in the claim as agreed to by the distinguished senior Examiner present as being satisfactory but that the present representative would not amend said claim because such action would provide grounds for Examiner Wynn Coggins to make the next Office action final upon new grounds thereby rendering the prosecution involving the last four Office actions moot.

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1 18. Petitioner respectfully submits that the present representative asked Supervisory Wynn
2 Coggins toward the end of the interview concerned if there was any possible manner of
3 obtaining allowance other than appeal to which she immediately replied in an absolute
4 negative.

5
6 19. Petitioner respectfully submits, for all the reasons given above, that the present
7 application for patent is being denied allowance at the whim of Supervisory Examiner Wynn
8 Coggins, that Examiner James Zurita is obviously not being materially supervised by anyone
9 other than Supervisory Examiner Wynn Coggins in the two applications referenced herein,
10 that Examiner James Zurita is evidently being deprived of a genuine opportunity to learn a
11 proper manner of examination by the supervision he is receiving from Supervisory Examiner
12 Wynn Coggins and that both applications for patent referenced herein patently deserve
13 allowance and are being denied the same apparently because Supervisory Examiner Wynn
14 Coggins dislikes the present representative.

15
16 20. Petitioner respectfully requests, for all the reasons given above, the kind and just
17 consideration of both applications referenced herein by at least one representative of the
18 Commissioner senior to Supervisory Examiner Wynn Coggins in exercise of genuine
19 supervisory authority superior to that exercised to date by Supervisory Examiner Wynn
20 Coggins and demonstrated by denial of the last petition in the present case and failure of the

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Office to provide an Office action subsequent to the Response filed in the present prosecution over seven months ago.

21. Petitioner and applicant further respectfully requests allowance of the present application for patent as the only action remedying what is clearly a severe injustice perpetuated by a single obstinate member of the U.S. Patent Office upon the applicant.

Respectfully yours,

Peter O'Donovan Gibson, Reg. #34,605

Peter O'Donovan Gibson, Reg. #34,605

Telephone: 410/358-5912

Facsimile: 410/358-9636

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